

EXHIBIT 118
Unredacted Version of
Document Sought to be Sealed

From: Davis, Colin B. <CDavis@gibsondunn.com>
Sent: Friday, March 19, 2021 11:37 AM
To: Sarah R. Skaggs; Falconer, Russ; Stein, Deborah L.; Kutscher Clark, Martie
Cc: Angelica Ornelas; Anne Davis; Benjamin Gould; Cari Laufenberg; Chris Springer; David Ko; Derek Loeser; Lesley Weaver; Matthew Montgomery; Matt Melamed; Jennifer Tuato'o; Josh Samra; Ben Lantz; Cesar Tamondong
Subject: RE: In re Facebook, Inc. Consumer Privacy User Litigation

Follow Up Flag: Follow up
Flag Status: Flagged

Counsel:

This responds to Ms. Weaver and Mr. Ko's March 16, 2021 letter threatening to invoke the parties' dispute resolution protocol with respect to documents that plaintiffs requested following the Rule 30(b)(6) depositions of Konstantinos Papalmitiadis and Amy Lee. Although Russ has been negotiating this issue with you, I am responding because Russ is unavailable this week and plaintiffs unilaterally have imposed a Friday deadline.

Facebook remains willing to meet and confer with plaintiffs about resolving this issue, and accordingly, it is not ripe for resolution via the dispute resolution protocol. As Russ explained during our last substantive discussion of this issue on March 11, Mr. Papalmitiadis and Ms. Lee already testified about the documents they used to educate themselves in preparation for their depositions, and we confirmed that all of the documents provided to the witnesses were previously produced or are publicly available. As we understand, plaintiffs are now seeking a full list of the documents counsel selected for the witnesses to review in advance of the depositions for the purpose of challenging whether the witnesses were adequately prepared. Plaintiffs requested that Facebook provide its position on this request in writing, and we agreed to do so. We intend to send you a letter explaining Facebook's position by the middle of next week. We will be prepared to discuss the issue further after you review that letter.

Further, we understood from our last discovery conference that Judge Corley instructed the parties to attempt resolution of disputes with the assistance of the to-be-retained discovery mediator before presenting them to the Court. Presenting this issue via the dispute resolution protocol would be premature for this reason as well. If plaintiffs choose to submit this issue to Judge Corley by their unilateral March 19 deadline, Facebook will ask Judge Corley to allow the parties to work with the mediator to try to resolve the dispute before she rules on it.

Regards,
Colin

Colin B. Davis

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
3161 Michelson Drive, Irvine, CA 92612-4412
Tel +1 949.451.3993 • Fax +1 949.475.4792
CDavis@gibsondunn.com • www.gibsondunn.com

From: Sarah R. Skaggs <sskaggs@KellerRohrback.com>

Sent: Tuesday, March 16, 2021 5:55 PM

To: Falconer, Russ <RFalconer@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Davis, Colin B. <CDavis@gibsondunn.com>

Cc: Angelica Ornelas <aornelas@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Jennifer Tuato'o <jtuatoo@KellerRohrback.com>; Josh Samra <jsamra@bfalaw.com>; Ben Lantz <blantz@KellerRohrback.com>; Cesar Tamondong <ctamondong@bfalaw.com>

Subject: In re Facebook, Inc. Consumer Privacy User Litigation

[External Email]

Good evening,

Attached please find a letter from David Ko and Lesley Weaver.

Very truly yours,

Sarah Skaggs

Complex Litigation Legal Assistant/Paralegal to Cari C. Laufenberg, Chris Springer and Felicia Craick
Keller Rohrback L.L.P.

(206) 623-1900

(206) 623-3384

sskaggs@kellerrohrback.com

CONFIDENTIALITY NOTE: This e-mail contains information belonging to the law firm of Keller Rohrback L.L.P., which may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual entity named above. If you think that you have received this message in error, please e-mail the sender. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.
